

Express Mail #EM256288950US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Paul C. Rogers, et al. : Group Art Unit: Not Yet Assigned  
Serial No. 08/642,171 : Examiner: Not Yet Assigned  
Filed: March 11, 1996 :  
Title: Call Management :  
System With Call :  
Control From User :  
Workstation Computers :

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is made in an original application for utility patent. My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM USER WORKSTATION COMPUTERS, filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims thereof.

I acknowledge the duty to disclose information that is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, section 1.56(a).

### Power of Attorney

As a named inventor, I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Donald J. Lenkszus, Reg. No. 28,096 John D. Titus, Reg. No. 39,047

Send correspondence to:

Donald J. Lenkszus  
O'Connor, Cavanagh, Anderson,  
Killingsworth & Beshears, P.A.  
One East Camelback Road, Suite 1100  
Phoenix, AZ 85012-1656

Direct telephone calls to:

Donald J. Lenkszus  
(602) 263-2675 (Voice)  
(602) 263-2900 (Fax)

### Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### Signatures

Full name of first joint inventor: Paul C. Rogers

Inventor's signature: Paul C. Rogers

Date: June 27, 1996

Country of Citizenship: United States

Residence: Glendale, Arizona Maricopa County

Post Office Address: 7121 W. Bluefield Avenue  
Glendale, Arizona 85308

Full name of second joint inventor:S. Thomas Emerson

Inventor's signature: S. Thomas Emerson

Date: June 27, 1996

Country of Citizenship: United States

Residence: Phoenix, Arizona Maricopa County

Post Office Address: 334 W. Moon Valley Drive  
Phoenix, Arizona 85023

Full name of third joint inventor:John M. Saltwick

Inventor's signature: John M. Saltwick

Date: June 27, 1996

Country of Citizenship: United States

Residence: Carefree, Arizona Maricopa County

Post Office Address: 9427 Here To There Drive  
P.O. Box 5196  
Carefree, Arizona 85377

Full name of fourth joint inventor:John J. Daleiden

Inventor's signature: John J. Daleiden

Date: 6/27/96

Country of Citizenship: United States

Residence: Phoenix, Arizona Maricopa County

Post Office Address: 4815 E. La Puente Avenue  
Phoenix, Arizona 85044

Full name of fifth joint inventor: Gregory S. Wohlenberg

Inventor's signature:

Date:

Country of Citizenship:

Residence:

Gregory S. Wohlenberg

June 27, 1996

United States

Tempe, Arizona Maricopa County

Post Office Address:

850 W. River Drive #2091

Tempe, Arizona 85281

Full name of sixth joint inventor: Mark E. Fogle

Inventor's signature:

Date:

Country of Citizenship:

Residence:

Mark E. Fogle

June 28, 1996

United States

Scottsdale, Arizona Maricopa County

Post Office Address:

7777 E. Heatherbrae #123

Scottsdale, Arizona 85251



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JANUARY 26, 1997

PTAS

O'CONNOR CAVANAGH  
DONALD J. LENKSZUS  
ONE EAST CAMELBACK ROAD, STE. 1100  
PHOENIX, ARIZONA 85012-1656



\*100311730A\*



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/12/1996

REEL/FRAME: 8232/0573

NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ROGERS, PAUL C.

DOC DATE: 06/27/1996

ASSIGNOR:

EMERSON, S. THOMAS

DOC DATE: 06/27/1996

ASSIGNOR:

SALTWICK, JOHN M.

DOC DATE: 06/27/1996

ASSIGNOR:

DALEIDEN, JOHN J.

DOC DATE: 06/27/1996

ASSIGNOR:

WOHLENBERG, GREGORY S.

DOC DATE: 06/27/1996

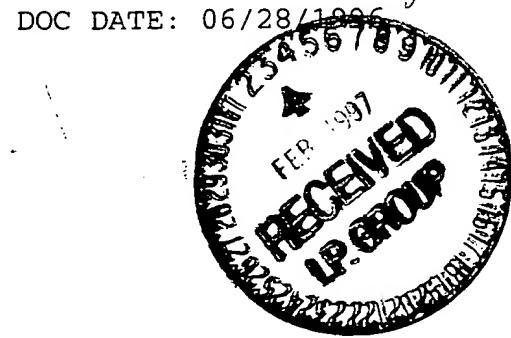
ASSIGNOR:

FOGLE, MARK E.

DOC DATE: 06/28/1996

ASSIGNEE:

XANTEL CORPORATION  
4114 E. WOOD ST. #3  
PHOENIX, ARIZONA 85040-1941



8232/0573 PAGE 2

SERIAL NUMBER: 08642171  
PATENT NUMBER:

FILING DATE: 03/11/1996  
ISSUE DATE:

SELDLEY PYNE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

WHEREAS, We, PAUL C. ROGERS of 7121 W. Bluefield Avenue, Glendale, Arizona 85308, County of Maricopa and State of Arizona;

S. Thomas Emerson of 334 W. Moon Valley Drive, Phoenix, Arizona 85023, County of Maricopa and State of Arizona;

John M. Saltwick of 9477 Here to There Drive, Carefree, Arizona 85377, County of Maricopa and State of Arizona;

John J. Daleiden of 4815 E. La Puente Avenue, Phoenix, Arizona 85044, County of Maricopa and State of Arizona;

Gregory S. Wohlenberg of 850 W. River Drive #2091, Tempe, Arizona 85281, County of Maricopa and State of Arizona; and

Mark E. Fogle of 7777 E. Heatherbrae #123, Scottsdale, Arizona 85251, County of Maricopa and State of Arizona,

have invented certain new and useful improvements in CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM USER WORKSTATION COMPUTERS, for which application Serial No. 08/642,171 has been made for Letters Patent of the United States, said application having been executed on the 11th day of March, 1996; and

WHEREAS, XANTEL CORPORATION, a corporation organized and existing under the laws of the State of Arizona and having its principal offices at 4114 East Wood Street #3, Phoenix, Arizona 85040-1941, U.S.A., is desirous of acquiring the entire right, title and interest in and to said invention, said application and in, to and under any and all Letters Patent to be obtained therefor;

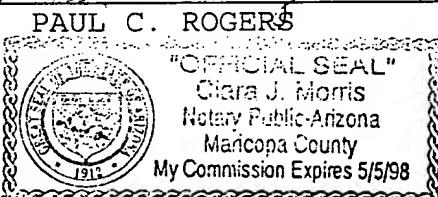
NOW, THEREFORE, for good and valuable consideration to us paid by the said XANTEL CORPORATION, the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto the said XANTEL CORPORATION, its successors and assigns, our entire right, title and interest in and to said invention, said application and the Letters Patent, both foreign and domestic, that may or shall issue, including all of our rights under any and all international conventions, treaties and/or agreements concerning patents to which the United States is a party, and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above mentioned assignee in accordance herewith.

We further authorize said assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent, in its own name if desired, in any and all foreign countries, and additionally to claim the filing date of said United States application and/or otherwise take advantage of the provisions of any international convention, treaty and/or agreement.

We do hereby covenant and agree with the said assignee, its successors and assigns, that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we or our executors or administrators will at any time upon request, without further or additional consideration, but at the expense of the said assignee, its successors and assigns, execute such additional writings and do such additional acts as said assignee, its successors and assigns, may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, reissued or extended Letters Patent of the United States, or any of and all foreign countries on said invention, and in enforcing any rights, occurring as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents.

Date June 27, 1996

*Paul C. Rogers*



State of ARIZONA )  
 ) ss.  
County of Maricopa )

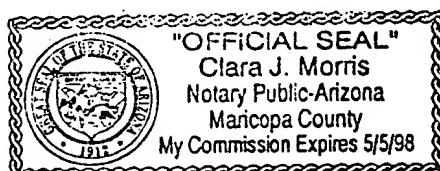
On this 27<sup>th</sup> day of June, before me personally appeared PAUL C. ROGERS to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

*Clara J. Morris*  
Notary Public

My Commission Expires May 5, 1998

Date June 27, 1996

*S. Thomas Emerson*  
S. THOMAS EMERSON



State of ARIZONA )  
 ) ss.  
County of Maricopa )

On this 27<sup>th</sup> day of June, before me personally appeared S. THOMAS EMERSON to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

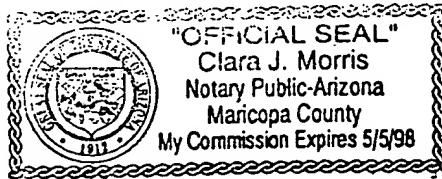
*Clara J. Morris*  
Notary Public

My Commission Expires May 5, 1998

Date 6/27, 1996

John M. Saltwick  
JOHN M. SALTWICK

State of ARIZONA )  
County of Maricopa ) ss.



On this 27<sup>th</sup> day of June, before me personally appeared JOHN M. SALTWICK to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Clara J. Morris  
Notary Public

My Commission Expires

May 5, 1998

Date 6/27, 1996

John Daleiden  
JOHN J. DALEIDEN

State of ARIZONA )  
County of Maricopa ) ss.



On this 27<sup>th</sup> day of June, before me personally appeared JOHN J. DALEIDEN to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Clara J. Morris  
Notary Public

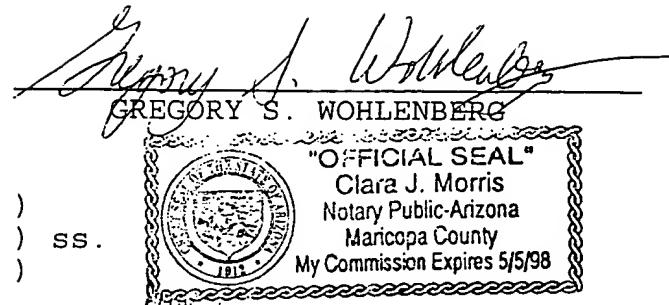
My Commission Expires

May 5, 1998

Date June 27, 1996

State of ARIZONA

County of Maricopa



On this 27<sup>th</sup> day of June, before me personally appeared GREGORY S. WOHLENBERG to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Clara J. Morris

Notary Public

My Commission Expires

May 5, 1998

Date June 28, 1996

State of ARIZONA

County of Maricopa

Mark E. Fogle

MARK E. FOGLE



On this \_\_\_\_ day of June, before me personally appeared MARK E. FOGLE to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Clara J. Morris

Notary Public

My Commission Expires

May 5, 1998

11-22-1996

40,00 -581-A  
Express Mail # EM256288950US

To the Hon. Commissioner of Patents and Trade  
to the undersigned attorney.

100311730

ents or copy thereof, and return the recorded document

1. Name of conveying party(ies):

Paul C. Rogers

2. Name and address of receiving party(ies):

Name: Xantel Corporation

Internal Address:

Additional name(s) of conveying party(ies) attached?

[x] Yes [ ] No

Street Address: 4114 E. Wood St. #3

3. Nature of conveyance:

[X] Assignment [ ] Merger  
 [ ] Security Agreement [ ] Change of Name  
 [ ] Other \_\_\_\_\_

Additional name(s) &amp; addresses attached?

[ ] Yes [X] No

Execution Date 06/27/96

4. Application number(s) or patent number(s): 08/642,171

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)  
Serial No. 08/642,171

B. Patent No.(s)

69652 U.S. PTO  
11/15/96

Additional numbers attached? [ ] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald J. Lenkszus  
 Address: O'Connor Cavanagh  
 One East Camelback Road  
 Suite 1100  
 Phoenix, Arizona 85012-1656  
 Telephone: (602) 263-2675

6. Total number of applications and patents involved: 1

7. Total Fee (37 CFR 3.41)  
\$ 40.00

[X] Enclosed

[X] Charge deficiency to

8. Deposit Account No. 15-0184  
 Per Assignment Division directive a duplicate of this page is not attached

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and the original document is attached or any copy is a true copy of the original document.*

Donald J. Lenkszus  
Name of Person Signing

Signature

7/12/96  
Date

P30525003.009

Total number of pages submitted: 3

Express Mail #EM256288950US

Recordation Form Cover Sheet  
PATENTS ONLY

1. Name of conveying party(ies);

Additional name(s) of conveying party(ies):

S. Thomas Emerson  
John M. Saltwick  
John J. Daleiden  
Gregory S. Wohlenberg  
Mark E. Fogle

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN**
Docket Number  
30525-003Applicant or Patentee: PAUL C. ROGERS ETAL.Serial or Patent No.: 08/642,171Filed or Issued: March 11, 1996Title: CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM USER WORKSTATION COMPUTERS

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official or the small business concern empowered to act on behalf of the concern identified below:  
 the Chairman and CEO of Xantel Corporation:

NAME OF SMALL BUSINESS CONCERN Xantel CorporationADDRESS OF SMALL BUSINESS CONCERN 4114 East Wood Street #3, Phoenix, Arizona 85040-1941

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) or a nonprofit organization under 37 CFR 1.9(e).

Each person concern or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.  
 each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING S. Thomas EmersonTITLE OF PERSON IF OTHER THAN OWNER Chairman and CEOADDRESS OF PERSON SIGNING 4114 East Wood Street #3, Phoenix, Arizona 85040-1941SIGNATURE S. Thomas EmersonDATE June 27 1996